

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KENNETH BRANTLEY,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

4:12CV3215

MEMORANDUM AND ORDER

Plaintiff has filed a motion for court-appointed counsel. (Filing No. 47). A civil litigant has no constitutional or statutory right to a court-appointed attorney. The court may, however, make such an appointment at its discretion. [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#). A trial court has broad discretion to decide whether both a pro se party and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the pro se party's ability to investigate the facts and present or defend the claims. [Id.](#)

Considering all these factors, the court finds appointment of counsel is not warranted in this case. The plaintiff has presented no evidence indicating he has attempted to locate counsel who will represent his interests, has repeatedly stated he is obtaining assistance from counsel despite no entry of appearance by counsel on his behalf, the claims and defenses at issue are not factually or legally complex, and based on the record, the plaintiff is able to adequately litigate his claims and defenses. [Id.](#) See also, [28 U.S.C § 1915\(a\)](#).

Accordingly,

IT IS ORDERED that Plaintiff's motion for appointed counsel, (filing no. 47), is denied.

September 12, 2013.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge